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Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:15-cr-00438-JO

Plaintiff,

**UNOPPOSED MOTION FOR
AUTHORIZATION TO TRAVEL**

vs.

WINSTON SHROUT,

Defendant.

The defendant, Winston ShROUT, through counsel, Ruben L. Iñiguez, moves the Court to enter an Order authorizing him to travel from Oregon to Nevada and Utah so that he may assist his wife, Charolette Killips, before, during, and after her upcoming surgery to replace her left hip. Neither the government, through Stuart A. Wexler, United

States Trial Attorney, Department of Justice Tax Division, nor the U.S. Pretrial Services Office, through Christina Song, opposes this motion.

FACTUAL BACKGROUND

Mr. Shrout is 69 years old. He has no prior criminal history. He has residences in Hillsboro, Oregon, and Ivins, Utah. His wife, Charolette Killips, age 67, now resides in St. George, Utah.¹ Ms. Killips is scheduled to undergo hip replacement surgery in St. George in 20 days (*i.e.*, on Tuesday, September 5, 2017).

On January 7, 2016, Mr. Shrout appeared in U.S. District Court in Portland pursuant to a summons. CR 8. The Court ordered his release on the condition that he “provide a current address and phone to Pretrial Services.” CR 7. During the hearing, Mr. Shrout advised that he was scheduled to leave the United States on a cruise destined for Mexico. CR 67. The government opposed his travel request. The Court ultimately declined to impose any restrictions on Mr. Shrout’s travel, domestic or international, and expressly authorized him to travel to Mexico, as planned. Mr. Shrout traveled to Mexico. He timely returned to Oregon without incident.

¹ Ms. Killips recently moved from the house she was renting in Ivins to another residence in the adjacent community of St. George.

On at least one occasion while his case was pending trial, Mr. Shrout traveled from Portland to Las Vegas, Nevada, and Ivins, Utah, to visit his wife and family. After visiting them there, he returned to Oregon without incident, as promised.²

Six months ago, approximately two months before his jury trial was scheduled to commence, Mr. Shrout traveled from Portland to Puerto Vallarta, Mexico, for medical purposes. He gave Pretrial Services advance notice about his travel plans. While in Mexico, he underwent hip replacement surgery. Following surgery, he remained in Mexico for approximately three weeks undergoing physical rehabilitation. He then returned to Oregon, as promised, less than two weeks before his trial commenced. He subsequently appeared for each day of his four-day trial on April 18, 19, 20, and 21. CR 102-105.

On April 21, 2017, the jury returned guilty verdicts on Counts 1-19 of the Superseding Indictment. CR 105. Following Mr. Shrout's conviction, the Court scheduled sentencing and entered an Order Modifying Conditions of Pretrial Release. CR 106. The Court directed as follows:

Travel is limited to Oregon *unless prior approval is obtained from the Court*. Surrender any passport or international travel documents to Pretrial Services or submit a statement to Pretrial Services that the

² Although the Court did not require Mr. Shrout to obtain prior authorization to travel outside Oregon, Pretrial Services Officer Chris Song confirms that he informed her about his travel plans in advance.

defendant does not possess a passport or international travel documents. The defendant is not to apply for a new passport or international travel documents.

Id. (emphasis added). Mr. Shrout surrendered his passport to Pretrial Services, as directed, that same day. He continues to comply with all other release conditions.

On June 2, Mr. Shrout filed an unopposed motion requesting judicial authorization to travel to Nevada and Utah for the purpose of visiting his wife, children, and newest grandchild before sentencing. CR 114. The Court granted his unopposed motion. CR 115. Approximately one month later, after having visited his family in Nevada and Utah, Mr. Shrout returned to Oregon without incident.

Mr. Shrout is currently scheduled for sentencing on September 26. CR 116. However, yesterday he filed an unopposed motion requesting that the hearing be continued for 105 days (*i.e.*, until January 9, 2018). CR 117. That motion is now pending before the Court.

UNOPPOSED MOTION

Mr. Shrout asks the Court to approve his unopposed request to travel from Oregon to Nevada and Utah before Tuesday, September 5, 2017. He intends to remain there for

several weeks to assist his wife with her rehabilitation and recovery from hip replacement surgery. He will return to Oregon before his sentencing hearing.³

RESPECTFULLY SUBMITTED this 16th day of August, 2017.

/s/ Ruben L. Iñiguez

Ruben L. Iñiguez

Assistant Federal Public Defender

³ Mr. Shrout plans to fly into Las Vegas, Nevada, and travel by shuttle to St. George, Utah, where he will stay with his wife. He has provided Pretrial Services with the phone number and new address for his wife in St. George.